

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-01192-CJC(RNBx)

Date: August 14, 2012

Title: LARRY ANDERSON, ET AL. V. PHH MORTGAGE, ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR FAILURE TO STATE A CLAIM**

Plaintiffs filed this action against Defendants asserting five causes of action relating to the non-judicial foreclosure process initiated on Plaintiffs' property. Specifically, Plaintiffs assert causes of action for negligence, violation of California's Business and Professions Code section 17200, breach of contract, promissory estoppel, and accounting. After review, it appears that Plaintiff's Complaint fails to state a claim because each cause of action is inadequately pled pursuant to Federal Rule of Civil Procedure 8. In particular, the Complaint is largely based on general allegations regarding misrepresentations made to Plaintiffs by Defendants, but fails to provide any specific factual allegations as to who made the alleged misrepresentations and on what date they occurred. Moreover, in violation of the tender rule, Plaintiffs have not alleged their ability to tender the amount currently outstanding on their home loan. Accordingly, the Court orders Plaintiffs to show cause why this case should not be dismissed for failure to allege any cognizable claim. Plaintiffs shall file an opposition to the Court's order to show cause by **August 28, 2012**. Defendants shall then have until **September 4, 2012** to file a response. This matter will be decided on the papers without any hearing.

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